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Approved For Release 2003/04/22 : CIA-RDP82M00591R000300110029-7

DCI/IC 76-2907

3 FEB 1976

MEMORANDUM FOR: General Counsel

SUBJECT : Addition of Audio Countermeasures  
Equipment to Export Administration  
Regulations

1. The Technical Surveillance Countermeasures portion of the Intelligence Community security arena has been perennially plagued by industrial firms marketing or attempting to market overseas countermeasures equipment and/or techniques which are identical with or are alarmingly similar to those in use by the Intelligence Community. We have recently reviewed this with representatives of the Justice Department, the Department of State Munitions Control Board, and the Office of Export Administration of the U. S. Commerce Department and find that there is little that can currently be done. We conclude that a useful first step would be to try to extend the Export Administration Regulations to cover equipment of this type. The attached excerpt shows those regulations currently cover Communications Intercepting Devices, 376.13 in language taken, incidentally, directly from the Omnibus Crime Bill.

2. We are advised that the U. S. can unilaterally add items to these regulations with the approval of the President and the Congress. The alternative is to request and receive (no doubt after much discussion) unanimous agreement of the COCOM nations; not a desirable route to follow.

3. It is suggested that the DCI, pursuant to the provision of Section 102(d) of the National Security Act of 1947 and as further spelled out in NSCID No. 5, may have therein the required Presidential and Congressional approval as the primary U. S. authority responsible for counterintelligence abroad. If that be the case, I would propose a letter from the DCI to the Office of Export Administration, Commerce Department, citing this authority, requesting that audio surveillance countermeasures equipment, devices, and techniques be considered in the same category and receive the same treatment as Communications Intercepting Devices.

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4. I would appreciate your judgement as to the DCI's authority, as cited or from other sources, to make such a request. Our contact at the Office of Export Administration is Mr. John K. Boidock, phone 967-4221

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